

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/539,670
Confirmation No.: 4798
Applicant: Gore, T. *et al.*
Int'l File Date: December 18, 2003
Group Art Unit: 1648
Examiner: Sharon L. Hurt
For: TRIVALENT VACCINE WITH MATERNAL ANTIBODY TRANSFER VIA THE MILK
Attorney Docket: I-2002.025 US

February 22, 2007

**INFORMATION DISCLOSURE STATEMENT AND TRANSMITTAL
OF FEE PURSUANT TO 37 CFR 1.97(c)**

Mail Stop: Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

To comply with 37 CFR §§1.97 and 1.98, Applicants submit the enclosed combined Form PTO/SB/08A PTO/SB/08B, and copies of the cited information (to the extent required by the Patent Office).

In accordance with MPEP §§609 and 707.05(b), Applicants request that the enclosed statement be given thorough consideration, and that the Examiner make the cited information of record by initialing the statement next to each citation. Applicants request such initialing even if

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the Examiner does not consider: (1) the cited information to be sufficiently pertinent to use in a rejection, or (2) the guidelines for a citation to have been fully satisfied. Applicants make this request so that the information will be cited on the face of a patent issuing from this patent application.

Applicants submit this statement in accordance with the duty to disclose information material to patentability under 37 CFR §1.56. Applicants, however, are not admitting that the information is necessarily relevant or prior art. In addition, Applicants are not representing that the cited information represents the results from a complete search. Applicants anticipate that the Examiner, in the normal course of examination, will make an independent search consistent with 37 CFR §1.104, and, in the course of such search, will review for relevance the cited information, even if not initialed.

Applicants bring to the Examiner's attention that WO 2001/52887 and the publication by Engels, M. *et al.* cited in the accompanying forms are not published in the English language. These publications, however, were cited in an International Search Report for the International Application corresponding to the captioned matter (i.e., International Application No. PCT/US03/40823, published as WO04/56390). The M.P.E.P. states that the search report satisfies the requirement for a concise explanation of relevance:

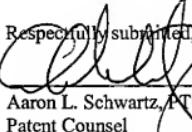
Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

M.P.E.P. 8th ed., § 609.04(a)(III) (rev. August 2006). Accordingly, Applicants provide the English language search report for PCT/US03/40823 herewith.

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Per the Patent Office's rules, Applicants have not enclosed any of the cited published U.S. patent references. Applicants, however, are happy to provide copies of any such references upon request from the Examiner. This statement is being submitted (1) more than 3 months after the filing date of this application, (2) after the issuance of a substantive office action, and (3) before the issuance of a final official action or notice of allowance. The Commissioner is hereby authorized to charge the fee under 37 C.F.R. §1.17(p) to Deposit Account No. 02-2334. Applicants do not believe that they owe any additional fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 02-2334.

Applicants submit that this patent application is in condition for allowance, and request that it be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.


Respectfully submitted,

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